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General Assembly

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Fifty-third session
Sixth Committee
Agenda item 148
Convention on jurisdictional immunities of States and their property

Draft resolution submitted by the coordinating delegation

Convention on jurisdictional immunities of States and their property

The General Assembly,

Taking note of the set of draft articles on jurisdictional immunities of States and their property[1] adopted by the International Law Commission at its forty-third session, as well as its recommendation that an international conference of plenipotentiaries be convened to examine the draft articles and to conclude a convention on the subject,[2]

Recalling that, in its resolution 49/61 of 9 December 1994, it accepted the recommendation of the International Law Commission,

Recalling also that, in its resolution 52/151 of 15 December 1997, it decided to consider the subject again at its fifty-third session with a view to the establishment of a working group at its fifty-fourth session,

Reaffirming that the codification and progressive development of international law contributes to the implementation of the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Having considered the report of the Secretary-General,[3]

1. *Decides* to establish a working group open to States Members of the United Nations and members of the specialized agencies at its fifty-fourth session to consider outstanding substantive issues related to the draft articles on jurisdictional immunities of States and their property adopted by the International Law Commission, taking into account the recent developments of State practice and legislation and any other factors related to

[1] *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10* (A/46/10), para. 28.
[2] Ibid., para. 25.
[3] A/53/274 and Add.1.

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this issue since the adoption of the draft articles, as well as the comments submitted by States in accordance with paragraph 2 of resolution 49/61 and paragraph 2 of resolution 52/151, and to consider whether there are any issues identified by the working group upon which it would be useful to seek further comments and recommendations of the International Law Commission;

2. *Invites* the International Law Commission to present any preliminary comments it may have regarding outstanding substantive issues related to the draft articles, by 31 August 1999, in the light of the results of the informal consultations held pursuant to General Assembly decision 48/413 and taking into account the recent developments of State practice and other factors related to this issue since the adoption of the draft articles, in order to facilitate the task of the working group;

3. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Convention on jurisdictional immunities of States and their property".

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Fifty-third session
Sixth Committee
Agenda item 155
Measures to eliminate international terrorism

Draft resolution submitted by the coordinating delegation

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all its relevant resolutions, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 50/53 of 11 December 1995, 51/210 of 17 December 1996 and 52/165 of 15 December 1997,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling that in the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

[1] See resolution 50/6

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Bearing in mind the possibility of considering in the near future the elaboration of a comprehensive convention on international terrorism,

Bearing in mind also that the Twelfth Conference of Heads of State or Government of the Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998, called for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recognizing the urgent need to enhance international cooperation to prevent terrorist financing and to develop an appropriate legal instrument,

Having examined the report of the Secretary-General,[2]

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant conventions and protocols as referred to in paragraph 6 of resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[3] and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

[2] A/53/314 and Corr.1 and 2 and Add.1.

[3] Resolution 53/163, annex.

9. *Takes note* of the measures aimed at strengthening the capacity of the Centre for International Crime Prevention of the United Nations Secretariat to enhance international cooperation and improve the response of Governments to terrorism in all its forms and manifestations;

10. *Decides* to address at its fifty-fourth session the question of convening a high-level conference in the year 2000 under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

11. *Decides also* that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 will elaborate the draft of an international convention for the suppression of terrorist financing to supplement related existing international instruments, and subsequently will address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering, on a priority basis, the elaboration of a comprehensive convention on international terrorism;

12. *Decides further* that the Ad Hoc Committee shall meet from 15 to 26 March 1999 to initiate the elaboration of the text of a draft international convention for the suppression of terrorist financing, and recommends that the work continue during the fifty-fourth session of the General Assembly from 27 September to 8 October 1999 within the framework of a working group of the Sixth Committee and that the Ad Hoc Committee be convened in 2000 to continue its work as referred to in paragraph 11 above;

13. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

14. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-fourth session on progress made towards the elaboration of the draft convention;

15. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Measures to eliminate international terrorism".

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Agenda item 153
Establishment of an international criminal court

Establishment of an international criminal court: programme budget implications of draft resolution A/C.6/53/L.9/Rev.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

Requests contained in draft resolution A/C.6/53/L.9/Rev.1

1. It may be recalled that, in the light of the requests contained in paragraphs 4 and 5 of draft resolution A/C.6/53/L.9, entitled "Establishment of an international criminal court", a statement of the programme budget implications of the draft resolution was submitted in document A/C.6/53/L.15.

2. In view of the subsequent revisions to the requests contained in the draft resolution, a revised draft resolution was issued in document A/C.6/53/L.9/Rev.1, also entitled "Establishment of an international criminal court".

3. By operative paragraphs 4 and 5 of draft resolution A/C.6/53/L.9/Rev.1, the General Assembly would:

(a) Request the Secretary-General to convene the Preparatory Commission to meet, in accordance with resolution F adopted by the United Nations Conference of Plenipotentiaries on the Establishment of an International Criminal Court, in order to perform the mandate of that resolution, and in that connection to discuss ways to enhance the effectiveness and acceptance of the Court, from 16 to 26 February 1999 (2 weeks), 26 July to 13 August 1999 (3 weeks) and 29 November to 17 December 1999 (3 weeks);

(b) Request the Secretary-General to make available to the Preparatory Commission secretariat services, not including the preparation of working documents, to enable it to perform its functions.

4. Since the request, as revised, contained in paragraph 5 of draft resolution A/C.6/53/L.9/Rev.1 would require the provision of secretariat services for the Preparatory Commission, but exclude the preparation of working documents, it is anticipated that not

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all the resource provisions, as reflected in paragraph 6 of document A/C.6/53/L.15, would be required. Requirements for secretariat services to the Preparatory Commission would therefore be absorbed within the resources approved under section 6 (Legal affairs) of the programme budget for the biennium 1998–1999, on the explicit understanding that no preparation of working documents would be required of the Secretariat.

5. Accordingly, should the General Assembly adopt draft resolution A/C.6/53/L.9/Rev.1, no additional requirement would arise under the programme budget for the biennium 1998–1999.